

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)

Joseph L. Brooks)
Assistant Controller)
University of the District of Columbia)
721 Adrian Street, SE)
Washington, DC 20019)

DATE: September 15, 2003

DOCKET NO.: 03F-003

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Official Code §1-1106.02 (2001 Edition), Joseph L. Brooks, Assistant Controller, University of the District of Columbia, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing date of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 5, 2003, OCF ordered Joseph L. Brooks (hereinafter respondent), to appear at a scheduled hearing on August 14, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

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On August 15, 2003, the respondent appeared at the rescheduled hearing, and testified that he did not recall receiving notices from OCF, and that he has been suffering with a chronic illness requiring a second surgery in April 2003. Further, the respondent presented medical records to substantiate that he underwent surgery in April 2003, as well as copies of Requests for Leave covering the period of his incapacitation. Additionally, Respondent stated that he did not return to work until the third week in June 2003, and that prior to this time his main concern was regaining his health.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements with OCF in calendar years 2001, 2000 and 1999.
2. Respondent was required to file a Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003, in accordance with the D.C. Official Code §1-1106.02.
3. Respondent filed a Financial Disclosure Statement with OCF for calendar year 2002 on August 15, 2003 at the conclusion of the hearing.
4. Respondent provided a credible explanation for the filing delinquency in that his failing health and subsequent surgery prevented him from filing the required report timely.
5. Respondent has no history of prior filing delinquencies.
6. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code § 1-1106.02.
2. The penalty established at D.C. Official Code § 1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code § 1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum

of \$1,950.00 for failing to timely file a Financial Disclosure Statement.

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4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent has provided a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of a fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

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ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

**Cecily E. Collier-Montgomery
Director**

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

**Rose Rice
Legal Assistant**

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 - 14th Street, NW, Washington, D.C. 20009.